

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**In re:** : **Chapter 13**  
**Eleanor J. Giamusso,** :  
**Debtor** : **Case No. 5:16-bk-04155**

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**Eleanor J. Giamusso,** :  
**Plaintiff** :  
V. :  
First Union Home Equity Bank, N.A.; :  
Wells Fargo Minnesota, National :  
Association, f/k/a Norwest Bank :  
Minnesota, National Association, as :  
Trustee under the Polling and Servicing :  
Agreement dated as of December 1, 1997, :  
Series 1997-3; Wells Fargo Bank, :  
National Association, :  
**Defendants** : **Adv. No.** \_\_\_\_\_

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**COMPLAINT FOR ACCOUNTING**

NOW COMES THE PLAINTIFF, Eleanor J. Giamusso, Debtor, by and through Counsel, Bresset & Santora, LLC, and hereby files this Complaint for Accounting as follows:

1. The Plaintiff is Eleanor J. Giamusso, Debtor in the above-captioned Chapter 13 Proceeding.
2. Defendant, First Union Home Equity Bank, N.A., is a North Carolina Banking Corporation having an address of 301 S. College Street, Charlotte, NC 28288.
3. Defendant, Wells Fargo Minnesota, National Association, f/k/a Norwest Bank Minnesota, National Association, as Trustee under the Polling and Servicing

Agreement dated as of December 1, 1997, Series 1997-3, having an address of 1100 Corporate Center Drive, Raleigh, NC 27607.

4. Defendant, Wells Fargo Bank, N.A. is a banking corporation having an address of 1000 Blue Gentian Road, Eagan, MN 55121.

5. At all relevant times, the Debtor was and is the owner of property located at 165 Thompkins Street, Pittston, PA 18640 (hereinafter the "Premises"). The Premises serve as Debtor's residence.

6. On or about October 16, 1997, the Debtor executed a Mortgage on the Premises in favor of Defendant First Union Home Equity Bank., N.A. Said Mortgage was to secure Fixed Rate Note of even date therewith in the original principal amount of Fifty Three Thousand (\$53,000.00) Dollars.

7. The above-captioned Defendants have all, at one time or another, held the Mortgage since it originated in 1997.

8. Prior to the initiation of this proceeding, a dispute arose between the Debtor and Defendant Wells Fargo Bank, National Association, successor by merger to Wells Fargo Minnesota, National Association, f/k/a Norwest Bank Minnesota, National Association, as Trustee under the Polling and Servicing Agreement dated as of December 1, 1997, Series 1997-3, Said Defendant filed a mortgage foreclosure action in Luzerne County Court of Common Pleas in pursuit of the Premises, despite the Debtor attempting to tender payments for the said Mortgage.

9. As a result of said dispute, the Debtor initiated the subject Chapter 13 Proceeding.

10. This Court confirmed the Debtor's Chapter 13 Plan, and the Debtor has

faithfully submitted all of her required Chapter 13 Plan payments, with the exception of the final payment, the amount of which is unknown as it represents the balance due on the Mortgage.

11. The Debtor, through the undersigned Counsel, has requested an accounting from Wells Fargo Bank, National Association, the current holder of the Mortgage. Said creditor, through its bankruptcy counsel, has provided a partial accounting for the past two years, but has not been able to obtain an accounting from the prior servicers of the Mortgage.

12. The final administration of this Estate, as well as the final payment due under the Chapter 13 Plan, is dependent upon the Debtor receiving a detailed and precise accounting of the balance due on the Mortgage, including a detailed accounting of all payments received, the manner and timing of the application of those payments, a detailed explanation of any and all charges, fees, and costs imposed on the mortgage account, and a detailed accounting of all escrow charges, payments, and receipts.

Respectfully submitted,

Bresset & Santora, LLC

By: 

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